

REMARKS/ARGUMENTS

Summary of amendments

Claims 1-28 are pending.

The amendments to the claims in response to the rejections in the July 15, 2008 office action are summarized as follows:

Independent claims 1, 8 and 10 are amended to include the grooved ring member recited in the dependent claims and to recite that the ring has an inner wall that is lower than an outer wall adjacent the sidewall of the container.

The terminology of claims 5, 9, 18-21 and 24-27 is amended to conform to the terminology in claims 1, 8 and 10.

Claims 4 and 6 have been canceled without prejudice.

Dependent claims 21 and 27 are amended to conform to the suggestion of the Examiner.

Independent claim 28 has been added to omit unnecessary limitations and therefore obtain the full scope of protection to which Applicants would be accorded under the patent statute. Specifically, claim 28 is substantially identical to claim 1 but with the "support means" element omitted.

Response to rejections under 35 U.S.C. § 103(a)

In response to the rejection of claims 1-2, 4-5, 7 and 12-15 as obvious over Sakamoto (U.S. Patent No. 3,477,175), independent claim 1 has been amended to recite a container that includes a grooved ring having an inner wall that is lower than an outer wall adjacent the sidewall of the receptacle and sized to be press fitted into the opening of the top. The grooved ring provides two advantages not recited or disclosed in any of the prior art. First, the ring inhibits liquid in the container from being splashed outside of the container as the motor vehicle moves and instead directs the liquid back into the container. Second, the liquid placed in the groove of the ring will be directed toward the interior of the container in response to movement of the motor vehicle because the inner wall is lower than the outer wall. Support for the amendment adding the grooved ring with an inner and outer wall is found in Figure 6 of the Drawings as well as in paragraphs [0020] through [0027] of the specification as originally filed. Thus, no new matter has been added.

Sakamoto does not disclose or suggest this feature. Sakamoto describes a vase assembly (11) with a frog (15) for mounting flower arrangement stems. The vase assembly (11) of Sakamoto is not adapted to be received in a motor vehicle drink holder. Further, the vase assembly (11) does not address the problem of liquid splashing out of the vase assembly (11) when a motor vehicle is in motion. Therefore, Applicants respectfully submit that independent claim 1 and dependent claims 2, 4-5, 7, and 12-15 are not obvious in view of Sakamoto.

The Examiner has also rejected claims 1-2, 4-9, 12-15, 18-19 and 22-25 as obvious over any one of Ho (U.S. Patent No. 5,947,322), Borah (U.S. Patent No. 2,963,256), and Hinrichs (U.S. Patent No. 627,231) in view of Sakamoto. However, the grooved ring having an inner wall that is lower than an outer wall adjacent the sidewall of the receptacle and sized to be press fitted into the opening of the top is not disclosed or suggested by any of these references.

Specifically, Ho describes a container having a support for flowers in the form of a tray (2) with holes. However, Ho does not disclose or suggest a grooved ring with an inner wall that is lower than an outer wall to hold liquid in the groove so that the liquid in the groove will be directed toward the interior of the container. Ho therefore does not disclose or suggest the novel features of the invention.

Borah describes a holding and gripping device (10) for providing positive holding and gripping of articles. However, Borah does not disclose or suggest a grooved ring with an inner wall that is lower than an outer wall.

Hinrichs describes a flowerpot (A) that receives soil with a ring-shaped reservoir that extends substantially into the flowerpot. However, the height of the inner wall (B¹) and the outer wall (B²) are equal. Moreover, the flowerpot of Hinrichs does not address the problem of liquid that splashes out when a motor vehicle is in motion because the flowerpot holds soil in space (D) not water. Furthermore, the ring-shaped channel of Hinrichs has a porous interior wall for allowing water to flow into the soil in the pot, not the grooved ring as claimed. Hinrichs therefore does not disclose or suggest the novel features of the invention.

For the above reasons, there is no motivation to combine the above references with Sakamoto, because no reference or combination of references discloses or suggests a press-fitted grooved ring with an inner wall that is lower than an outer wall to inhibit liquid of splashing out of a container and directing the liquid toward the interior of the container when the container is

received in a motor vehicle drink holder. For each of these reasons, independent claims 1 and 8 and dependent claims 2, 4-7, 9, 12-15, 18-19 and 22-25 are not obvious over any one of the Ho, Borah and Hinrichs references in view of the Sakamoto reference.

The Examiner has also rejected claims 18, 21, 24 and 27 as obvious over any one of Ho, Borah, and Hinrichs in view of Sakamoto and further in view of Holtkamp Jr. (U.S. Patent No. 5,477,640). However, none of the references recite a container that includes a grooved ring having an inner wall that is lower than an outer wall adjacent the sidewall of the receptacle and sized to be press fitted into the opening of the top.

The Examiner asserts that a ring-shaped cartridge (12) of Holtkamp Jr. discloses the grooved ring as claimed. However, the cartridge (12) is not configured to hold liquid and does not inhibit liquid from splashing out of the vase (10), because the vase (10) is filled with soil. Further, the vase (10) is not configured to be received in a motor vehicle drink holder. Holtkamp Jr. therefore does not disclose or suggest the novel features of the invention either alone or in combination with the Ho, Borah, Hinrichs or Sakamoto references. Dependent claims 18, 21, 24 and 27 are therefore not obvious over any one of the Ho, Borah and Hinrichs references in view of the Sakamoto reference and further in view of the Holtkamp Jr. reference.

The Examiner has also rejected claims 19-20 and 25-26 as obvious over any one of Ho, Borah, and Hinrichs in view of Sakamoto and further in view of Matthews (U.S. Patent No. 6,516,563). However, Matthews does not disclose or suggest a grooved ring having an inner wall that is lower than an outer wall and sized to be press fitted into the opening of a container (22). The inner wall (33) of the upper plant container (24) is higher than the outer wall (34). Moreover, the container of Matthews does not address the problem of liquid in the container (22) splashing out when a motor vehicle is in motion, because the container (22) is filled with soil. For each of these reasons, dependent claims 19-20 and 25-26 are not obvious over any one of the Ho, Borah and Hinrichs references in view of the Sakamoto reference and further in view of the Matthews reference.

The Examiner has also rejected claims 1, 3, 10-11 and 12-17 as obvious over any one of Ho, Borah and Hinrichs in view of Stone (U.S. Patent No. 2,057,856).

However, Stone describes a frog assembly (10) at the bottom of a bowl (15) for supporting flower arrangements not a grooved ring. None of the references in view of Stone

teach a grooved ring or addresses the problem of liquid that can splash out of the bowl when a motor vehicle is in motion. Hence, there is no reason or motivation to add the grooved ring with an inner wall that is lower than an outer wall to inhibit liquid in the bowl (15) from splashing out and directing the liquid in the grooved ring toward the interior of the bowl (15). Stone therefore does not disclose or suggest the novel features of the invention. For each of these reasons, claims 1, 3, 10-11 and 12-17 are not obvious over any one of the Ho, Hinrichs and Borah references in view of the Stone reference.

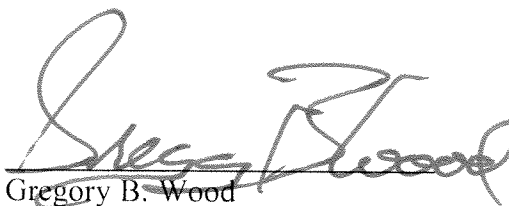
In view of the foregoing, Applicants respectfully submit that the amended and new independent claims patentably define the present invention over the citations of record. Further, the dependent claims should also be allowable for the same reasons as their respective base claims and further due to the additional features that they recite.

Applicants are submitting herewith a Petition and fee for a three-month extension of time. No other fee is believed due.

Please ensure that Attorney Docket No. 7288-102/10312532 is referred to when charging any payments for this case.

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Respectfully submitted,



Gregory B. Wood
Reg. No. 28,133

Customer No. 000167
FULBRIGHT & JAWORSKI L.L.P
555 South Flower Street , 41st Floor
Los Angeles, CA 90071
(213) 892-9235 - Direct
(213) 892-9200 - Main
(213) 892-9494 – Facsimile
gwood@fulbright.com – E-mail